

Applicant : Bruce D. Gaynor, *et al.*
Serial No. : 08/833,838
Filed : April 10, 1997
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Claim 73 (previously amended) The method according to Claim 71 wherein said peptide is 5-10 amino acids in length.

Claim 74 (previously amended) The method according to Claim 71 wherein said peptide consists of d-Asp-Trp-Glu-Tyr-Ser.

Remarks

Claims 54-58 and 71-74 are pending in the above-identified application. With this Reply and Amendment, claim 54 is amended to more particularly point out and distinctly claim the invention. The amendment of claim 54 provides no new matter, and serves to put the claims in condition for allowance or reduce issues for appeal. Entry of the amendment is therefore respectfully requested.

Rejection Under 35 U.S.C. § 112, 1st Paragraph

All pending claims stand rejected under 35 U.S.C. §112, first paragraph, as lacking enablement. It is asserted that undue experimentation would be required to practice the invention presented in the examined claims. Specifically, it is asserted that the claims are enabled for treating glomerulonephritis caused by the R4A antibody, but not for glomerulonephritis caused by anti-ds-DNA antibodies. In response, applicants have amended claim 54 (affecting all other claims, which are dependent on claim 54) to cover treating a subject having glomerulonephritis, such that the peptide can bind to an anti-ds-DNA antibody that binds to the same epitope as the R4A antibody. Support for the amendment is provided in the specification at page 13, lines 7-11. Since the claims are enabled for treating glomerulonephritis caused by the R4A antibody, they should also be enabled for treating glomerulonephritis caused by an anti-ds-DNA antibody that binds to the same epitope as the R4A antibody.

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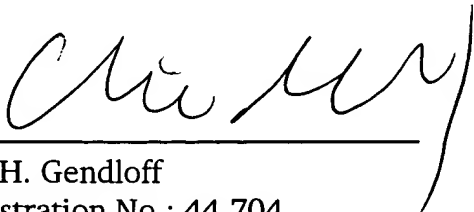
In light of the claim amendment and the above remarks, applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 112, first paragraph, and passage of the claims to allowance. If there are any minor matters preventing such allowance, applicants request that Examiner Ewolt contact the undersigned attorney.

Applicants believe that the enclosed check for \$365.00, covering the \$205.00 two month extension of time fee and the \$160.00 Notice of Appeal fee, is all that is required with this filing. However, if additional unanticipated fees are required to maintain the pendency of this application, applicants authorize the PTO to use Deposit Account 01-1785 to cover these fees.

Respectfully submitted,

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Dated: June 11, 2003
New York, New York

By: 
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